P. F. 34 of 92

G. R. S. IX-5]

Previous references. 1891-92

192 .

(L. R)

File No. 126 of 9

Serial Nos. 1—9

Later references.

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 1—9

Major ~~Part~~ B for March 1894

SUBJECT.

Appeal of Bhagamma of Hosahalli Chikkaballapur Taluk regarding the Sale of the Village.

WD 2233—GPB—20,000—14-6-20

Countersigned
M/RD

(General Serial No. 30.)

OFFICE OF THE DEWAN OF MYSORE
1892 339 MAY 92 P. 10

From
The Deputy Commissioner,
Kolar District.

To
The Chief-Secretary to the
Dewan of Mysore.

Dated 29th April 1892
Despatched 2-5-92
Received

(3)

Enclosures No.

General No. 436
No 105 1892-93

His docket No. 1263/27
dated the 22nd instant.

To Mysore No 205 of 6/5/92 P. 35

Has the honor to state, that the copy of the order produced by one Bhyramma referred to in the above, was not received with the same and to request that it may be furnished.

Deputy Commissioner.

Peon Depte.
Send above
Mark 3/5/92

4-5-92 Issued D Draft

L. R. 126-91-3

Letter is filed
4 annas petition
Wrote mistake Mark
6/5

(General Serial No. 30.)

189 .

From The Chief Secy to the Dewan of Mysore

To The Deputy Commr, Kolar Dt

Dated 6
Despatched
Received } May/92.

From the Revenue No. 1176 of 17/6/92

Enclosures No. (4)

General No. 2052 Re.
P No 38

his No. 436/105 dt 29th April/92.

As requested in the above has the honor to forward herewith the copy of the Dy. Commrs order produced by Bhagamma, Jodidar of Gollavarhalli, Chikballapur Taluk.

By order

Draft 6/5/92
Chief Secy

L.R. 126-91-4

b

The Deputy Solar.

15th Apl

Has His honor his decree
that in the certified
copy of register of the Court
of Probate for the District of Stamford
dated the 4th day of June
1889 the entry made
January the 5th 1889 of the sale of the
freehold Land, Premises
& Leasehold Land, Premises
Situate Seaview Road, Shanklin
Callaghan Talbot to His
Grace the Duke of Devonshire
bearing date the 4th day of January 1892
at His Commencement
be corrected by striking out the
words "the Duke of Devonshire"
in the 4th line thereof and substituting
therefor the words "Callaghan Talbot"
as appears to have been
fully proved upon
the hearing of the Petition
with the Petitioner's consent
and that the Petitioner
do pay the costs of
and occasioned by the
application to be
paid out of the Estate
of the said Callaghan Talbot
deceased

Ordered accordingly
this 4th day of January 1892

The

Forwd a copy of the order for Engrossment and Warrant out

Engrossment and Warrant out - The copy of the order is sent herewith from office for a 16. 12. 91. 97

Date of Copy application is mentioned as 16th Dec. 91. It is questionable whether the application for a copy was put in before the order was passed.

The Dr Govt. is requested to refer to the original order and have the correct date noted down on the copy here- with sent for and returned at an early date with a brief report regarding the discrepancies pointed out. RO.

Chief Secretary

Draft
VC
15/4/92

The order was passed on 9 Jan 92, the date of application for copy which is given on date is subsequent amendment.

Which was actually applied on 16 Dec 91 there has been a delay of more than 2 months on part of the applicant. The latter should see that such delay does not occur after the requisite formalities are promptly complied with RH

Sub Ass. No 17

Memo

C. S. No 2 of 1892-93

Appellant: Bhagavanna

Jodidar of Gollarahalli

Chickballapur Taluk

The appellant is one of the jodidars of Gollarahalli. Kempareddi and Narayanareddi the patels of the village had been for a long time in the enjoyment even to the exclusion of the jodidars. The said patels themselves used to pay the jodi of the village to Government year after year. Since the year Sharvari (1877-78) they failed to pay the jodi and by the end of Sharvadhari the arrears amounted to 900 and odd rupees. In February 1890 a notice was issued to them to pay up the arrears. Notwithstanding this, the arrears were not paid up. The DC Commissioner ordered the arrears to be recovered from the ~~sales of the~~ personal property of the said patels. In May 1890 their personal property was accordingly put up for sale and the sale proceeds credited in satisfaction of the arrears of jodi. Kempareddi and Narayanareddi names above, soon afterwards appealed to Govt. and —

The Government thereupon observing that the jodidars alone were responsible to Govt for the arrears due on their village, directed the

× 1888-89

Deputy Commr to refund the sale proceeds to the patels and again attach and sell the Jodi village after due notice.

In December 1890 a notice was accordingly issued from the Taluk to the godavaru to pay up the arrears. This notice was served on the godavaru, the Reptr's commissioning Firman on 5-1-91 In May 1891 the Jodi village of Gollarahalli was attached for the arrears of Jodi which then amounted to Rs 980-5-10.

The notice of sale issued on the 4th September 1891 was duly published on the 23d Sept 1891. The appellant Bhagamma had also attested the said notice. On the 23d October 1891 the sale was conducted by the Taluk Sheristadar - the amildar having been absent from the station. The highest bid for the village was for Rs 1050 by Gollarahalli Lakshmana reddi.

Subsequent to the date of sale some persons presented petitions to the amildar as well as to the Deputy Commr that they were desirous of bidding for the village but had been prevented from attending the sale on account of heavy rain on the date of sale and that if a re-sale of the village was ordered they would bid for the village and pay more than the amount for which the property had been knocked down in the last sale.

On the 16th November 1891 the appellant also presented a petition to the Dy Commr that a re-sale of the village

(Vide this office Comp. No 3430 of 25-9-90)

Reference cited:
No 3403 of 25-9-90
No 3602-10 to D.C. Kolar 26-9-
No 4303-03 from Dt 8-5-9
No 1050-24 from Dt 12-7-9
No 3028-56 of 89 8-6-9
No 3102-729 from Dt 22-1-9
& other papers

might be ordered.

On the 18th November 89 the Civildar reported to the Dy Commr that on the date of sale he had been to Kolar to attend the Local Fund meeting, that the sale was only conducted by the Sheristadar that it was true that there had been slight rain on the date of sale as stated by the petitioner referred to above that the full amount of Govt arrears had been realized in the sale held on the 23d October 1891 and that orders might be issued as to whether or not the sale held under these circumstances should be confirmed.

On the 4th January 1892 the Dy Commr confirmed the sale finding that the objections of the petitioner referred to above were groundless.

The appeal is now against this order:

The grounds of appeal are:

(1) That the proclamation of sale has not been made according to law as contained in Sec[s] 171 & 172 L.R.C.

(2) That there was heavy rain on the date of sale only 11 persons attending the sale.

(3) That the appellant was sick at Nanjangud on the date of sale.

The Sub Division officer of Chickaballapur reports that no irregularity or mistake has been made out and no fraud is alleged that even granting that the village was worth more

and that the sale was not held in accordance with the provisions of section 163 of the L.R.C. (The Section should have been given as 173.)

(4) and that the village is worth Rs 2000/-

than the sum that it realized substantial injury by it? would not furnish a valid ground for cancelling the sale.

Bell

The Appellant Contends that there has been irregularity in publishing & Conducting the sale of the village in question.

The Proclamation of sale appears to have been published in the Poona Sagar and other Tabalis. & at the Talook Head Quarters. Notice of sale was also published in the Gazette. No 37 of 10. Septr 1891

The sale Rocka. stated that the sale would be held at the Talukas Kacheri. It was accordingly held, the Talook Therefore (conducting the sale.

The proceedings disclose no irregularity. There is no fraud or fraud and there are no grounds for setting aside the sale. The appeal is rejected with costs.

9/3/93

M 10/11/92 Jud. 8.3.93

M.P. No 2 of 1892-93

Appt-
Bhagamma
of Gollavahalli
Chikkaballapur
Taluq
Kolar Dt

Respt—
Lakshmanreddi

The 1/8 Village of Gollavahalli was sold for arrears of Revenue on 23d October 1891, the Sale Proclamation having been published on 23d Septr 1891. ~~The sale was confirmed on 4th January 1892~~ Whereupon complainant the Village was sold for a low price as there was ~~one~~ rain on the auction day & people did not attend, ~~two~~ & requested that the Village might be resold, but the Dy Comr rejected her complaint & confirmed the sale on 4th Jany 1892. The appeal is against the confirmation of the sale—

The Appts advocate argues that there was not a clear interval of 30 days between the date of sale, & the date

on which the sale
Proclamation was
published - & that
therefore the sale should
be cancelled. He
Respt pleaded that
so long ago as 1887
Appt gave a deposition
that the Head had interest
in the Village & that the
Court therefore has allowed
him to dispute the sale.
It is true that the Appt
did give a deposition
in 1887 that the Head
had interest in the Village &
that she was not responsible
for the Debt but she has
right to question the
legality of the sale

was not liable to
pay the amount of Debt
and that the Village
might be sold; but
what transpired
then is not
known - the deposition
is not conclusive
evidence of her
having disclaimed
all right to the Village
and she has
therefore a right

You should
as above
if any Motion
for new
trial

In
omit
this
Pl
no Appearance
to the summons
proved
29/3/94

every ~~Case~~ Person as an interested person wishing to bid for or have an interest in the sale. The

sale by clerk illegal, since there was not an interval of 30 days between the date of the Publication of the sale & the date of sale, it is cancelled. The Dy Clerk shall refund the purchase money to the Respt, & proceed afresh against the Village for arrears of Revenue, due.

Pl
9/3/94

Pl
9/3

Pl is informed that the sale has been cancelled.

Pl

(1) Stamps Correct.

(2) At the outset of the Copy produced it is stated that it is a Copy of Order dated 4th Jan'y 92. No. 4218 of 4th Jan'y 92. But at the end in the Copy the date put down is 4th Jan'y 189. The figure 2 immediately after 189 appears to have been omitted.

The date of appn for Copy is noted as 16. 12. 91. It is questionable whether the appn for Copy was filed in before the Order was passed

So, it is not clear the appeal is in time.

The Copy will be sent to the Dy Comr. with a request to report on the points referred to.

JC Talmiki for Dy Comr 15/4/92. Council with a draft.

(General Serial No. 32.)

189

No. 31

Name of Petitioner. Thayamma

Village. Gollavanahalli

Taluk. Chikballapur

District. Kolar

Date of Arzi. 2.4.92

Date of Receipt. 4

Date of Disposal.

No. of Enclosures. Three

A. C. 26-91-1

ABSTRACT.

Owing to the irregularities in indicating & conducting the case of Gollavanahalli village, etc. Dy. Comr. called for the connection & Dy. Comr. ordering the case. Petr. said that she was not able to pay in time, the arrears of Kist, as she was absent in Nanjangud with the sick child. Petr. applied to proceed in forma pauperis

plaintiff in connection
the said sale.

—4—

By: Sivapuri Nadimuthu
Amilidar:—

Thiyagu Chinnamma
ter in objection the
ice that Narasimmama
Sivapuri, Muttumudi
ikkiya Vatti Chinna-
ya & others have submit-
a petition to Tahsildar
effect that they are not
ree that the sale of the village
Kattupillai on the 16th Nov
there was a heavy rain
e that date and as the mili-
ia were unable to take that
ept the local conditions
and that the village were
ie, re-sold, they would be
re than the amount of the
ale. Sale of Vaiyapuri was duly
nctioned, Subsequently
Vaiyapuri the sale will
e the price of the Stock

presence of the Auctioneer.
during the absence of the
Auctioneer, the sale took
place in presence of the
Sheristadar in charge of
the Taluk. The highest
bid Rs. 3050 is Gulbarga
Kalli Lakshma, Reigh.
It appears that he has
paid up the whole amt.
You state that the sale
on the day of sale was ir-
regular. There was the
writing not present the
petitioner & no present
sale
at the said auction, and
the reasons assigned by
them cannot be accepted.
As you state that the whole
amt of purchase money has
been recovered, the
sale is confirmed under
Sec. 65 of Mysore Land Rev.
Code. —x—. Affidavit

Affidavit of Chikka
Lennaiah, Son of Lem-
janna, Joni Gaudili,
Chikkaiapentah and 2
others. —

Bhagavanna, Goldier
of Golliveedi, which
was attached for arrears
of Joni due to Govt, is an
Adjacent of the place.

The Notification of sale
of the said village was not
affixed either on the Choultry
or the village gate or Bha-
gavanna's residence, nor
was it personally pub-
lished.

Sworn to before the
Munsiff of Chikkiallapur
23/3/92.

Affidavit of Kapaiah
Arasu Shetty of Gollava-
hilli, Chikkaiapentah.

Notice of sale of Joni Gol-
lavahilli for arrears of Joni
due to Govt was not affixed
either at the village Choultry
or

2

2-4-92

2/4/94

Rec'd 2nd April 1892

2/4/92

34R

2 4 92

Abst: ready

Appellant

Respondent

Appeal No. 2 of 1892-93.

The appellant above named appeals to the Court against the decision of the Deputy Commissioner of Kolar on the following grounds:—

1. The proclamation of sale was not made according to Section 171 read with 172 of the Revenue Code.
2. The sale was not made according to the provisions of Section 163 of the Revenue Code.
3. There was heavy rain on the date of sale only 15 persons attended in the large town of Chickballapur.
4. The village is worth more than Rs. 2000 and it was sold for a very small price.
5. The appellant was ready to pay and where the petitioner could not have reasonable time to pay the arrears of Revenue.

Owing to the irregularity in publishing and conducting the sale, the appellant has sustained great loss.

The appellant therefore prays that the sale may be set aside.

The appellant further prays that the order above against and also the assessment in respect of the Statement in the appeal petition may be —

Dated 2-4-92
Bangalore

Respondent

Date for appt

2-4-92

In the Office of Superintendent of Police
C. O. R.
Vs
Plaintiff
Petitioner

Appellant
Respondent

Blagamma
Lakshmanaradhya

I the Appellant above named do hereby retain
Mr. J. Ramachandra Iyer Advocate to appear
for me & conduct the Case on my behalf
& I agree to be bound by all the Acts
& pleadings in the said Case

D/ 2-4-92
Bangalore

Accepted.
Ramachandra Iyer
Advocate

(General Serial No. 30.)

OFFICE OF THE DEWAN OF MYSORE
1892 MAY 9 P. 10
1339

From
The Deputy Commissioner
Nandidroog.

To
The Chief Secretary to the
Govt. of Mysore.

Dated 29th April 1892.
Despatched 2-5-92
Received

(3)

Enclosures No.

General No. 436
No 105 1892-93

(Petition of Chikka Rao
dated the 22nd Instant.

I have the honour to report, that the cost of the undermentioned Requisitions referred to in the above marginal received in this office and to request that it may be forwarded.

I have the honour
Your most obedient
Servant
Deputy Commissioner.

Peshkar's Petition is forwarded herewith as it was sent by mistake
6/5

L.R. 126-91-3

To Huzoor No 2052 dt 6/5/92
P. 35

Pesh Dept.
Send above
Mark
3/5/92

At
4-5-92

(General Serial No. 30.)

189 .

From

The Chief Secretary to Government of Mysore

To

The Deputy Commissioner, Kolar Dt.

Dated 6
Despatched
Received } May/92.

Enclosures No.

General No. 2052 R.
P No 38

From the Chief Secretary to Government of Mysore No. 11,53 dated 25/4/92

L. R. 126-91-4

(4)

His No. 36 Sep. 105

April/92.

— " —

As requested in the above he is hereby forwarded herewith the copy of the Govt. Order passed by Bhagavan Mahadeva Joisar of Kallahalli in Kallapura Taluk.

By order

N

Draft

6/5/92
Chief Secy

9/5

Pol. Branch Sec. a 29 Dec 92
141

(General Serial No. 61).

1892.

From

The Deputy Commissioner
Kolar District

To

The Chief Secretary to the Dewan
of Mysore.

Dated [illegible]

Despatched 3rd June 1892

Received 5/6

Enclosures No. 1

General No. 476 1892-93
No. 252

L. R. 126-91-5

No: 1163 / P. 27 dated the 22nd April 92

No: 2052 / P. 35 dated the 6th May 1892

His Docket as per margin forwarding for certain extracts of an order passed by one Bhagavanna Ex-Jodidar of Gollahalli Chikballapur Taluk.

In returning duly corrected the precis of the date the copy of the order received with the above, has the honor to submit for information the accompanying copy of the Chikballapur Sub-division Officer's Docket No: 404 of the 9th instant on the subject and to state that the application for a copy of the order in question seems to have

83-1
22-6-92

been first in before the Order w...

passed.

Deputy Commissioner

Kolar District

Mala

Sub Division office
Chikballapur
dated 9th June 1892.

C/- 404

From

The Sub Division officer
Chikballapur

To

The deputy commissioner
Kolar -

With reference to his docket No 606/356 of the 11th instno forwarding copy of Chief Secretary's No 263/P27 dated 22nd April 92 have the honor to state that the date in the order No 481 should be 1st January 1892 and not 1st January 189. The figure 2 after 189 was omitted and the space left blank as the year 1891 entered in the original order of the deputy commissioner was a clerical error. The year ought to have been 1892 and not 1891.

The application for copy was submitted to the deputy Commissioner on the 16th december 1891.

The deputy commissioner issued an order No 91 dated 17-2-91 calling for records. The Amildar in his report No 70 dated 29-2-91 forwarded with

with this office No 58 of the 4th January 1892, stated that the records which were submitted to the District office for confirmation of sale had not been returned to him. Thereupon the Deputy Commissioner replied on No 938 dated 19-1-92 to the effect that order No 481 dated 4-1-92 had been handed over to the purchaser Gutchinamuddy for delivery to the Taluq office; it was accordingly delivered to the Amildar on 7-1-1892.

On 21-1-1892 the undersigned having called for the said records for the purpose of preparing copy they were submitted by the Amildar on 28-1-92 with No 158 which was received in this office on 1-2-92 and the copy was ready for delivery on 18-2-1892 and it was sent to the Amildar for delivery on 22-2-1892 with this office No 752 and he seems to have delivered it on 3-3-1892.

The delay in the preparation of the copy was owing to the undersigned being on tour of inspection and the office establishment having been away from him and it was unavoidable

The entire records received with

with the above together with original
Copy application received from the
Amildar are herein enclosed.

(Signed) A. Krishnaswamiah
Sub Division Officer.

"Copy"

E Murdoch
Deputy Commissioner

Pet
H. 34—1893

7

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Petition No. 34
dated 2nd April 1892 received at the
Dewan's Office from Bhagiramaiah
Patel of Gollarahally, Chikka
Ballapur Taluk praying for the
cancellation of the sale of the
said Gollarahally village,

Grant the Dasara Ad 1st 3 yrs 1892 8 92

is forwarded, together with its ~~three~~ two
enclosures, to the Dy Comm, Kolar
Distt, for submission of
Proceedings and a report on the
merits of the case & on the points
taken in the petition.

2. The petition should be
returned.

By Order,

Draft.

12th July 1892. | Chief Secretary.

Endd 100 and 9
12/7

L.R. 126-91-6

Pet. No. 54 - 92

(General Serial No. 30.)

1892. 2230

P. 116.

From The Deputy Commissioner Kolar District.

To

The Chief Secretary to the Dewan of Mysore.

Dated 22nd

Despatched 24th August 1892

Received

Enclosures No. 1 Petition

General No. 731

No. 148

In reply to

SUBJECT.

His Official Memorandum No. 34 dated the 2nd Instant forwarding for submission a Petition from Bragamal Jethia of Gollarahatty Chickballapur Taluk praying for the cancellation of the sale of the said village.

With

References (to be entered only in the Dewan's Office).

Rep. for M 23/8/92

K. Shastri Asst. Sec. Ref. to Dept. Ref. to

Judy Bdy 7/11/92

L. R. 126-91-7

For the reference are submitted Bell. 31.7.92

Hereuith returned with the enclosures

Asst. Sec. 10/11/92

7-11-92 GPR

24/8/92

With reference to the above, I am directed by the Commissioners of Customs & Excise to forward herewith for your information a copy of Treasury Minute dated the 21st ult. together with a copy of the Chief Collector's Circular Office Letter No. 42/1881 to which is attached the Circular referred to.

I am,
Sir,
Your obedient
Humble Servant,

[illegible]
Deputy Commissioner
Inland Revenue

Dublin

(General Serial No. 30.)

1892.

From The Sub-Divisional Officer
Chickballapur.

To The Deputy-Commissioner
Kolar District.

Dated Camp Gowribidnur
14th August 1892.

Despatched 16th " "

Received 18th " "

Enclosures No. 2 to Com. Office & 3 Enclosures.

General No. 149
No.

Sir,

As requested in your No. 287/189 dated the 20th/29th ultimo, I have the honor to forward onthe proceedings connected with the sale of Cottonahalli Lands village Chickballapur Taluk.

2. The sale notice was duly published on the 23rd September 92. The appellant Begumma hereof attended the notice. The sale took place on the 23rd October following one month afterwards.

The sale was conducted by the Shristedar in the absence of the Amildar. Section 75 of the Revenue

Con

Code does not specifically state what is right of appeal which does not appear to have been made in strict compliance with the statutory requirements. The appellant's silence at hearing, though she was aware of the impending sale, could not estop her. The main ground on which sale was set aside under the impugned order section 47 of the Revenue Code material irregularity found in publishing & conducting the sale attended with substantial injury. No irregularity & mistake has been made out. No fraud is alleged. Even granting that the village was small the sum out of several substantial injury may itself would not furnish a valid ground for cancelling the sale. The Deputy Commissioner in confirming the sale, has not rejected any of the objections raised by the appellant.

3. The appeal is returned.

I have &c.

(Signed) S. Krishnamachariar
Sub Division Officer
Chidambaram.

Copy

S. Murthi
Deputy Commissioner
Kolar District

Idem

Before the Government of *His Highness* the Maharaja of Mysore.

(9)

Appeal No. 2 of 1892-93.

Appellant.	Vs.	Respondent.
Bhagavanna of Gollarahalli Chikmagalur Taluk Kadur District, represented by Mr. Ramaswamier Advocate		Lakshmanreddi.

L.R. 126-91-8

Decision 6th March 1894.

The land village of Gollarahalli was sold for arrears of Revenue on 23rd October 1891, the sale Proclamation having been published on 23rd September 1891. Appellant complained that the village was sold for a less price as there was rain on the auction day and people did not attend, and requested that the village might be resold, but the Deputy Commissioner rejected her complaint and confirmed the sale on 2nd January 1892

The appeal is against the confirmation of the sale.

2. The Appellant's advocate argued that there was not a clear interval of 30 days between the date of sale and the date on which the sale proclamation was published, and that therefore the sale should be cancelled. The Respondent pleaded that a long ago in 1987, Appellant gave a deposition that she was not liable to pay the arrears of Jodi and that the village might be sold; but what transpired later is not known. The deposition is not conclusive evidence of her having disclaimed all right to the village and she was therefore in right to question the legality of the sale.

The

The sale being, clearly illegal since there was not an interval of 30 days between the date of the publication of the sale notification and the date of sale, it is — cancelled. The Deputy Commissioner should refund the purchase money to the Respondent, and proceed afresh against the village for arrears due

By order.

Under Secretary.

AR
26.3.94
Ridout

No 16460 Dt 26-3-94
B.H.C.C. 2nd Alt.

Copy forwarded to the Deputy Commissioner Kolar District with the proceedings received with his No 731 Dt 22nd August 1892.
148

By order

Under Secretary

mk
28/3

No. 34
A.2

(1)

MYSORE DEWAN'S OFFICE,
PETITION DEPARTMENT,
26th March 1894

Endorsement granted to Thayamma of Gollarahalli, Chikka-
ballapur Taluk, represented by Ramaramaiah as agent

in reply to her Petition Registered No. 36 dated 2nd February 1892
No 2
appealing against the order of the Deputy Commissioner of Kolar confirming
the sale of the Gollarahalli ~~land for default but the sale may be cancelled~~

Petitioner is informed that the sale has been cancelled.

The Enclosures are returned

L. R. 126-91-9

26.3.94

"By Order"

Chief Secretary.

Mysore Govt. Central Press, Bangalore,—9-2-93—2000.